

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

PETER RODRIGUEZ,

Plaintiff,

-against-

CITY OF NEW YORK, E.S.U. CAPTAIN
MOISE #1451, CAPTAIN GIBSON, E.S.U.
OFFICER WILLIAMS #1475, E.S.U. OFFICER
GALVEZVSKIY #8957, CORRECTION
OFFICER FERRERO #1805,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/23/2020

20-CV-9840 (GHW)

ORDER

GREGORY H. WOODS, United States District Judge:


On November 20, 2020, Plaintiff, currently incarcerated in the Manhattan Detention Complex, brought this *pro se* action under 42 U.S.C. § 1983, naming two “John Doe” defendants. Dkt. No. 2. Under *Valentin v. Dinkins*, a pro se litigant is entitled to assistance from the district court in identifying a defendant. 121 F.3d 72, 76 (2d Cir. 1997). On December 21, 2020, in response to the Court’s December 1, 2020 *Valentin* order, Dkt. No. 6, the New York City Law Department filed a letter with the identities of the John Doe defendants named in Plaintiff’s initial complaint and mailed that letter to Plaintiff. Dkt. Nos. 11-12. That day, the Court issued an order reminding Plaintiff to submit any amended complaint no later than thirty days after receiving the New York City Law Department’s letter. Dkt. No. 13. On December 22, 2020, the Court was informed that the Pro Se Office received an amended complaint from Plaintiff on December 21, 2020, the same day the New York City Law Department mailed Plaintiff the names of the John Doe defendants. Dkt. No. 14.

Accordingly, if Plaintiff wishes to amend his complaint with the information provided in the New York City Law Department’s December 21, 2020 letter, he is directed to do so no later than January 29, 2021. If Plaintiff does not submit a second amended complaint by that date, the Court

will consider Plaintiff's first amended complaint, Dkt. No. 14, to be the operative complaint in this action. Furthermore, if Plaintiff chooses not to amend his complaint by January 29, 2021, the Court requests that Defendants City of New York, Emergency Services Unit ("ESU") Captain Moise, Captain Gibson, ESU Officer Williams, ESU Officer Galvezvskiy, and Correction Officer Ferrero, waive service, and directs Defendants to answer or otherwise respond to Plaintiff's first amended complaint no later than February 19, 2021.

SO ORDERED.

Dated: December 23, 2020



GREGORY H. WOODS
United States District Judge